THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.26151 of 2005

Date:08.12. 2005

The A.P.Dairy Development Corporation.

--------PETITIONER

Management of A.P.Dairy Development Cooperative Federation Limited, Lalapet, Hyderabad.

---------RESPONDENT

ORDER:

This Writ Petition is filed assailing the award, dated 08.10.2004 passed by the Industrial Tribunal-I, Hyderabad in I.D.No.17 of 2001.

The petitioner is a Staff & Workers' Union. One of its members was inflicted with the punishment of stoppage of increment and recovery of certain amount. Against the same, it approached the Government, and through its order in G.O.Rt.No.1832, dated 24.07.2001, referred the dispute to the Tribunal for adjudication. Through the award in question, the Tribunal closed the matter, on the ground that both sides failed to attend or to represent the parties.

Mr.K.Ravi, the learned counsel for the petitioner submits that the matter was reserved for orders on 05.10.2004 on the ground that there was no representation for the petitioner and that when a request was made on the same day, the Tribunal permitted him to make submissions on the next day. It is stated that the matter was argued at length on 06.10.2004 and despite the same, the impugned award came to be passed.

The learned Standing Counsel for the respondent, on the other hand, submits that the submissions made by the learned counsel for the petitioner are not borne out by record.

A perusal of the award challenged in this writ petition discloses that on account of non-cooperation of both the parties, the respondent had to be set ex parte once and the I.D. had to be dismissed for default on another occasion. The net result is that there was no serious pursuit of the matter. This Court would have left the matter at that, but for the fact that the result of the closure of the I.D., is to be felt by the employee, who is not a party to the proceedings. The petitioner deserves to be given an opportunity with due warning.

Accordingly, the Writ Petition is allowed, the award, dated 08.10.2004, in I.D.No.17 of 2001 is set aside and the matter is remitted to the Labour Court. The petitioner as well as the respondents shall arrange for their representation before the Tribunal on 28.12.2005 irrespective of the fact whether they have been issued notices or not, and proceed with the matter. There shall be no order as to costs.

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08.12.2005

Jsu